

REMARKS

Claims 1-35 are pending in the application, with claims 1, 21-25, 27, and 30 being independent claims. Currently, claims 1, 2, 24, and 27 are considered generic.

In the Office action, it is asserted the subject application contains claims directed to the following patentably distinct species of the claimed invention:

A-Resistance Means:	1-Fig. 28; 2-Fig. 29; 3-Fig. 30; 4-Fig. 31; 5-Fig. 32; 6-Fig. 33; and 7-Fig. 34
B-Alternative Variable Treadles:	1-Fig. 35 and 2-Fig. 36
C-Alternative Interconnection Means:	1-Fig. 37; 2-Fig. 38; 3-Fig. 40; and 4-Fig. 41
D-Alternative Apparatus Frame:	1-Figs. 1-26 and 2-Fig. 27

The Examiner requires Applicants to select one group of Figures from each set of elements listed above and a listing of claims readable thereon.

Although the Examiner has designated Figs. 35 and 36 as falling under a group called "Alternative Variable Treadles," Figs. 35 and 36 depict resistance assemblies including a clutch and a hydraulic dampening device, respectively. As such, it is respectfully submitted that the figures currently designated as "Alternative Variable Treadles" should be designated under the group called "Resistance Means." We cannot determine what is meant by "Alternative Variable Treadles." In addition, the interconnection means depicted in Figs. 1-32, 34-36, 42-44, and 46A-46B was not included in the group called "Alternative Interconnection Means." More particularly, Figs. 1-32, 34-36, 42-44, and 46A-46B illustrate a connection means referred to in the specification as the rocker arm assembly and labeled with reference number 112.

In response to the restriction requirement, Applicants select the following groups of Figures:

A-Resistance Means:	Fig. 36 (see explanation above)
B-Alternative Variable Treadles:	n.a. (see explanation above)
C-Alternative Interconnection Means:	Figs. 1-32, 34-36, 42-44, and 46A-46B (see explanation above)
D-Alternative Apparatus Frame:	Figs. 1-26

Applicants believe claims 1-6, 19, 20, and 24 read on the groups of Figures selected above. Independent claims 21 and 22 are not considered generic, but instead read on species

Application No. 10/789,294
Express Mail No.: EV 622 973 150 US
Reply to Office action of December 9, 2004

identified in Figs. 33 and 34, respectively. If a generic claim is allowed during prosecution, then consideration of claims 21 and 22 is proper under 37 C.F.R. § 1.141. Claims 23 and 25-35 are cancelled herein, because claims 23 and 25-35 read on other aspects of the invention not identified by the Examiner. Claims 25-26 pertain to a resistance means of sorts. These claims, along with additional dependent claims, are being submitted in a divisional application. The other cancelled claims will be submitted in a later filed divisional application.

CONCLUSION

A petition for a one month extension of time to respond to the December 9, 2004 Office action is hereby requested, making this Response due on or before February 9, 2005. The Examiner is hereby authorized to charge deposit account number 04-1415 the amount of \$120 to cover the extension of time fee. It is believed no further fees are due with respect to filing of this Amendment. However, if any additional fees are required, the Commissioner is hereby authorized to charge deposit account number 04-1415.

Respectfully submitted,

DORSEY & WHITNEY LLP

Date: February 9, 2005

By 
Charles R. Matson
Attorney Reg. No. 52,006
DORSEY & WHITNEY LLP
Customer No. 20686

Ph: (303) 629-3400
Fx: (303) 629-3450